

JUNE 13, 2006

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MINUTES**

7:00 P.M.

The Regular Session was called to order at 7:00 P.M., by Mayor Ferguson with City Councilors Medina, Harriman, Miller and Nesbitt present along with City Attorney Landwehr, City Manager Coleman, City Clerk Davidson, several interested citizens and the press.

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PUBLIC HEARING

7:00 P.M.

Receive Public and Applicant Input on the New Hotel & Restaurant Liquor License Application for Ol' Miner Steakhouse, Inc., dba Ol' Miner Steakhouse, 139 N. Main St., Gunnison, CO.

Mayor Ferguson opened the Public Hearing at 7:00 P.M. and stated the hearing is being held on June 13, 2006, at 7:00 P.M. in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, CO. The Mayor stated for the record that the following are in attendance: All City Councilors, the City Manager, City Clerk, and City Attorney. The Mayor asked the applicant to identify herself. The applicant, Sarah Sanders, identified herself.

Mayor Ferguson requested that any interested parties who wished to testify to identify themselves. The applicant, Sarah Sanders, was the only person wishing to testify and the City Clerk administered the Testimony Oath to the applicant. The Mayor called for the City Attorney/City Clerk report. The City Clerk reviewed the duties of the Council acting as the Local Licensing Authority. She informed Council the applicant paid for a concurrent review by the State Liquor Licensing Division and the State has approved the license. The license won't be issued until the City Licensing Authority approves the application. The City Clerk stated copies of the Preliminary Investigation Report were included in their packets. The CBI, Gunnison Police Department, City Building Official and City Fire Marshal have all reviewed the application or had run background checks on the applicant and had no concerns with the application. The Building Department is asking the License, if approved, not be issued by the City until they have received a Certificate of Occupancy from the City Building Official. This condition is reflected in the proposed motion.

City Attorney Landwehr asked if there was proof of publication and posting of the premises. City Clerk Davidson stated yes to both requirements. The City Clerk reminded Council the Determination of the Neighborhood is defined as the Incorporated City Limits of Gunnison, Colorado.

Mayor Ferguson called the applicant, Sarah. Sanders, to testify. Ms. Sanders informed Council she would like to open the restaurant on July 1st and have the ability to serve their guests alcoholic beverages with their meals. Ms. Sanders presented Council with a petition signed by City residents showing their wants to have the premises licensed for the sale of alcoholic beverages. Mayor Ferguson asked the petition be entered into the record.

Mayor Ferguson called for any further testimony in favor of the application. There was none. Mayor Ferguson called for any testimony in opposition of the application. There was none. Mayor Ferguson called for any other testimony. City Clerk Davidson stated for the record there were no letters, pro or con, received by the Clerk's office in regard to the application.

Mayor Ferguson stated the Council will take action on the application under New Business later in the meeting. Mayor Ferguson closed the Public Hearing at 7:05 P.M.

Consideration of Minutes:

Regular Session Minutes of May 23, 2006.

Councilor Nesbitt moved and Councilor Miller seconded the motion to approve the Regular Session Minutes of May 23, 2006, as submitted.

Roll call vote, yes: Medina, Harriman, Ferguson, Miller, Nesbitt. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens: None.

Unfinished Business: None.

New Business:

Action on New Hotel & Restaurant Liquor License for Ol' Miner Steakhouse, Inc., dba Ol' Miner Steakhouse, 139 N. Main Street.

Councilor Miller moved and Councilor Medina seconded the motion that the Hotel & Restaurant Liquor License for Ol' Miner Steakhouse, Inc., dba as Ol' Miner Steakhouse, 139 N. Main Street., Gunnison, Colorado, 81230, be approved for the following reasons and with the following condition:

1. There has not been a denial of an application at the same location, or a location within 500 feet thereof, by either the state or local licensing authority within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by existing outlets.

2. It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.

3. Selling liquor by the drink in the manner proposed in the application is not in violation of the zoning, fire, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.

4. The building where the application proposes to sell liquor - malt, vinous, and spirituous by the drink, does not appear to be within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary.

5. Within the City limits of the City of Gunnison, where liquor is proposed to be sold, there are the following existing other outlets:

4 - Beer and Wine Licenses

6 - Hotel/Restaurant Licenses

5 - Retail Liquor Store Licenses

1 - Arts License

1 - Brew Pub License

8 - Tavern Licenses

2 - Club Type Licenses

6 - 3.2% Beer Type License

6. Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.

7. All fees necessary for the application have been paid.

8. According to the information received by the Police Department of the City of Gunnison, Colorado, the Colorado Bureau of Investigation, and through testimony of the applicant before the Local Licensing Authority, the applicant is of good moral character and possesses the qualifications necessary to conduct the type of business proposed.

CONDITION: The Hotel & Restaurant Liquor License will be issued to the applicant upon receipt by the applicant of a Certificate of Occupancy from the City of Gunnison Building Official for the licensed premises at 139 N. Main Street, Gunnison, CO.

Councilor Nesbitt stated for the record that Fire Marshall Spritzer and Building Official Sniffen had no objections to the application.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt, Medina. So carried.

Roll call vote, no: None.

Review of the 05/30/06 Sustainable Growth Work Session Discussion. City Manager Coleman reviewed the memo he prepared outlining Council's discussion on attainable/affordable housing issues at the May 30th Work Session. City Manager Coleman discussed the following: Sustainable Growth is a key component of economic development in the community; Council has identified housing, transportation, and communication as the three areas they want to focus on in regards to economic development and creating sustainable growth; The local government group has asked the City to develop a housing policy prior to their partnering on affordable housing; The creation of a toolbox of possible approaches the City can employ to achieve their objects is needed in conjunction with the housing policy; The availability of revenues and the distribution of the City's available resources to accomplish Council's goals is a key component of the upcoming budget process; and City Staff is working on identifying available resources while looking at operating, maintenance, personnel, and capital projects. City Manager Coleman reviewed the flowchart for City Resource identification. Discussion ensued concerning including the recreation tax component. Consensus was to remove that aspect of the chart. After further discussion, the City Manager will instruct Staff to identify the process

for policy development and to begin researching what other communities are employing to accomplish affordable housing strategies. The City Manager further recommended using this type of procedure for transportation and communication planning. Councilor Nesbitt requested TIF's be added to the housing strategy toolbox.

Ordinance and Resolutions:

Ordinance No. 7, Series 2006; Re: Amending Chapter 2.20, Purchasing Policy and Procedure, of the 2006 City of Gunnison Municipal Code, 2nd Reading.

Councilor Nesbitt introduced Ordinance No. 7, Series 2006, and it was read by title only by the City Attorney.

Councilor Nesbitt moved and Councilor Medina seconded the motion that Ordinance No. 7, Series 2006, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING CHAPTER 2.20, PURCHASING POLICY AND PROCEDURE, OF THE 2006 CITY OF GUNNISON MUNICIPAL CODE**, be introduced, read, passed and adopted on second reading this 13th day of June, 2006, and that copies be made available to the public.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Medina, Harriman. So carried.

Roll call vote, no: None.

City Attorney: Rod Landwehr: Gave Council an update on the lien foreclosure of the house at 313 S. Boulevard. A motion has been filed with the court to file the lien by publication as the owners of record haven't been located. Eventually there will be a Sheriff's sale where the City can bid on the property and obtain title through purchasing the property and then selling it to recoup its expenses incurred or by having someone purchase the property and repay the City through the filed lien on the property. Sale may occur in late fall.

City Manager: Ken Coleman. Reported on the following: The State has changed some of the term on the DOLA Grant for the Rio Grande Sewer Project from a two year funding to a one year funding but there may be another year extension; The City is in on-going discussions with the State concerning the W-Mountain telecommunication site; He received a call from Dennis Steckel, the City's representative on the UGRWCD Board, asking if the Manager would write a letter to Judge Steven Patrick supporting for his reappointment to the Board. Mr. Steckel has well-represented the City's interests for 16 years and the Manager forwarded that letter; and he spoke with Gunnison Housing Coordinator Denise Wise concerning the City's involvement and participation in developing the request for proposals the Housing Needs Assessment.

City Clerk: Gail Davidson. Nothing to report.

Non-Scheduled Citizens: Mayor Ferguson moved Non-Scheduled Citizens to this section of the agenda. Richard Karas gave Council a brief report on the Health Care Forum that was held last week. It was a good forum on this pressing issue.

General Discussion/Items for Work Session:

Councilor Harriman: Report on Planning & Zoning Commission Meeting: Reported they discussed the economics chapter of the Master Plan and they have 2 more chapters to go. She attended the County Board of County Commissioners meeting today where they discussed hard zoning in the 3-Mile Plan area. Consensus was to have the County and City Planning staffs work together on this issue and they would like to see the plan have "teeth" to it and the City wants aquifer protection.

Councilor Medina: Reported on the Regional Transportation Authority (RTA) meeting he attended last week. Discussed was: the RFP's for the ground transportation planning; the future of the RTA and the 2008 election; There were no loans to cover flight guarantees this past winter; Kent Meyers is continuing negotiations with United Airlines; and they Discussed potential sites and funding for ground transportation Park'n'Ride locations. He stated he couldn't attend the Insurance Trustees meeting but asked City Manager Coleman to update Council. The City Manager reported the Insurance Trustees met yesterday and there is

approximately \$44,000 in the reserve fund. There have been 14 large claims so far this year; and the Insurance Fund still owes the General Fund the \$125,000 loan that was made last year.

Councilor Miller: Asked if the US Highway 50 overlay project was still on for next year. City Manager Coleman stated it is still slated for late 2007 and the Staff is looking at pre-paving projects that need to be completed prior to the asphalt overlay that will take place within the City limits. The State has indicated they may fund and construct the ADA-compliant ramps at the intersections.

Councilor Nesbitt: Gave a report on the Tourism Association (TA) meeting he attended. He has the statistical data available if any of Council would like a copy. In April, lodging, website hits, and call volume were all up. The TA also discussed the RTA issues mentioned by Councilor Medina. CBMR reported they will stay open next year until April 10th, which will include the Easter weekend the TA is within budget overall.

Adjournment: At 8:58 P.M.

Mayor

City Clerk